

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM,
VILLAGE HALL, ON JULY 7, 2004**

Members Present: Peter Lilienfield, Chairman
Carolyn Burnett
William Hoffman
Walter Montgomery, Secretary
Jay Jenkins

Also Present: Lino Sciarretta, Village Counsel (present from 8:28pm)
Edward P. Marron, Jr., Building Inspector
Brenda Livingston, Ad Hoc Planning Board Member
Florence Costello, Planning Board Clerk
Mary Beth Dooley, Environmental Conservation Board Member
Applicants and other persons mentioned in these Minutes

**IPB Matters
Considered:**

- 03-36 – Racwel Contracting & Construction Co., Inc. –
Dearman Close**
Sht. 10, Lot P-25J2-15
- 03-49 – Village of Irvington – Westwood Subdivision, Tract C**
Sht. 11, Lot P-71, P-73 and P-75 (formerly Sht. 11,
Lot P-25J and P-25J2 and Sht. 10C, B. 226, Lot 27A)
- 04-04 – Jim & Vesna Rothschild – Lot #13, Dearman Park**
Sht. 10, B.1, Lot 13
- 04-13 – Charles M. Pateman/Nicodemus – 200 Mountain Road**
Sht. 11, Lot P27K
- 04-30 – Jeffrey & Katherine Duarte – 32 Jaffray Court**
Sht. 7C, B251, Lot 6
- 04-31 – Kristen & David Woll – 58 West Clinton Avenue**
Sht. 7B, B249, Lot 11
- 04-33 – R.E.R. Development Corp. – East Clinton Avenue**
Sht. 14, B.224, Lot 1
- 04-34 – Eric & Isabel Kaston – 61 Havemeyer Road**
Sht. 12A, B.255, Lot 7
- 04-35 – Brian & Maragaret Cuff – 3 Oak Street**
Sht. 7A, B.236, Lot 1, 2
- 04-36 – Barbara Hogan – 28-B East Clinton Avenue**
Sht. 14, B.224, Lot 22
- 04-37 – Francis Crowley – 75 Station Road**
Sht. 7C, B.250, Lot 14
- 04-38 – Fernando & Stella Mateo – 202 West Clinton Avenue**
Sht. 7B, B.249, Lot 9A
- 04-39 – Lundy/Chamberland – 31 East Clinton Avenue**
Sht. 14, B.223, Lot 15, 15A
- 04-40 – Craig & Jennifer Ruoff – 4 Oak Street**
Sht. 7A, B.233, Lot 3, 4

**Informal
Discussion:**

- 94-03 – Westwood Development Associates, Inc. -- Phase 1
(Tract A)**
Sht. 10, P25J2, 25K2
Sht. 10C, Bl. 226, Lots 25A, 26A
Sht. 11, P-25J

Carried Over:

- 04-21 – Omnipoint Communications Inc. – 1 Bridge Street**
Sht. 3, Lot P-103
- 04-24 – Randy & Margaret Paul – One Langdon Avenue**
Sht. 15, Lot P-119E
- 04-25 – Leonard & Etil Capuano – 15 Woodbine Road**
Sht. 7A, B.237, Lot 5A, 6, 7
- 04-26 Rita & Peter Blum – 1 El Retiro Lane**
Sht. 7, Lot P-81
- 04-27 – Richard Wager – 63 Ardsley Avenue West**
Sht. 7, P-43A2A2
- 04-29 – Susan Robinson – 9 Fargo Lane**
Sht. 1, B246A, Lot 7

Off Agenda:

- 03-44 – Steven Ivkovic & Syliva Marusic – 21 South Eckar Street**
Sht. 5, B. 212, Lot 15A

The Chairman called the meeting to order at 8:03 p.m.

Administrative:

With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees. Further, unless otherwise noted, the Applicants submitted evidence of notice to Affected Property Owners.

REVIEW OF APPLICATIONS

IPB Matter #04-33: **Application of R.E.R. Development Corp. for Site Development Plan Approval for property at East Clinton Avenue.**

Proposal - Construction of a new one-family residence.

Representative - Dennis Rubich, associate of Escaladas Associates

Plans - “Proposed Residence Site Plan, Escaladas Associates, Architects and Engineers, Revised June 20, 2004” 4 sheets.

Discussion - Mr. Rubich said that his study of the proposed structure relative to neighboring houses revealed it would be significantly larger (in building area) than others in the area, although the lot is also larger than the average parcel – therefore, the FAR was in keeping with other properties. The Chairman stated that the information provided indicated that the proposed house was 50% larger than some of the neighboring homes, although it was not the largest in building area.

The Applicant needs to recheck and verify the subject’s FAR calculations, Mr. Marron said, because the data submitted differs from his. The Chairman asked that he confirm that the high ceiling heights above the foyer be included in such calculations, as per code.

Discussion centered on the driveway, which serves the subject and two adjoining properties; the Chairman said a copy of the driveway easement should be provided to enable an understanding of what is permitted. He asked that the applicant meet with the neighbors to try to resolve any outstanding issues. Mr. Marron asked for a measurement of the heights of the two immediately adjoining houses, and he requested that the information on the plan's cover page and data sheet be revised so that it is consistent in both places.

The Chairman noted that the Applicant should address the comments in Mr. Mastromonaco's memorandum of July 7, 2004 pertaining to the need for all four setback dimensions and drainage calculations for the drywell.

Comments from the Public - none.

Board Action - This matter was continued.

The Board then set its new Regular Meeting for August 4, 2004.

IPB Matter #04-34:

Application of Eric & Isabel Kaston for Waiver of Requirements for Site Development Plan Approval for property at 61 Havemeyer Road.

Proposal - Addition to an existing residence with a total of 1,562 cubic feet and an increased footprint of 34 sq ft. Includes a new bay window and a 2nd floor loft.

Representatives - Sonya Kuo, architect, of Michael Esmay, Architecture, Planning, Interior Design, and Mr. & Mrs. Kaston

Plans - "Addition & Alteration to the Eric & Isabel Kaston Residence, 61 Havemeyer Rd., Michael Esmay, Architecture, Planning, Interior Design; Revisions, June 17, 2004", 3 sheets.

Discussion - Mr. Marron said that compressors in the setback area should be moved, to which the Applicants agreed. Variances, he added, are necessary for lot coverage and extension of an existing side yard non-conformity. The Environmental Conservation Board, in its letter of July 7, 2004, asked for a determination as to whether there would be a negative impact on trees. Mrs. Kaston stated that no trees will be removed.

Comments from the Public - None.

Board Action - The Board determined this matter could be handled as a Type II Action under SEQRA. After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have

the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for the Site Development Plan approval for this application, subject to receipt of the necessary variance from the Zoning Board of Appeals.

IPB Matter #04-35:

Application of Brian & Margaret Cuff for Site Development Plan Approval for property at 3 Oak Street.

Proposal - 2-story addition with attic, replacing existing one-story covered porch and increasing the structure's footprint. The increase will add a total of about 600 square feet of floor area on a total of 2 floors and a total of about 4800 cubic feet.

Representative - Brian Cuff

Plans - "Site Plan, Cuff Residence – Addition, 3 Oak Street, Phillip White, Architect, AIA, June 21, 2004", 3 sheets.

Discussion - This property has two front yards, as defined in the Code, due two street frontages. Mr. Marron said rear and front yard setback variances are required. In addition, an FAR variance is necessary. Because the property is west of Broadway, site plan approval is required under the View Preservation Ordinance.

In response to the ECB's concerns about tree protection, expressed in a letter dated July 7, 2004, Mr. Cuff said no trees are to come down. The ECB letter also asked for a determination that drainage plans for the proposed new roof area will be adequate. Mr. Marron said that the new drainage must be tied into an existing system or new engineered system.

The Chairman asked for scale data to compare this house to neighboring ones; houses within at least 200 feet should provide the benchmark data. Mr. Cuff stated that the proposed changes will keep the house in character with the neighborhood, and that the visual perception of the FAR will be less than it actually is.

Mr. Mastromonaco, in his memorandum of July 7, 2004, stated that topographical data is needed for the plans.

Comments from the Public - A neighbor at 49 Station Road, across the street from the Cuff residence, expressed strong support for the project as aesthetically in character with the surrounding homes. Another neighbor, Tanya Hunt, of 54 Station Road, also supported the application on the basis of the project's appearance and scale. Lea Richardson, yet another neighbor, stated that the project would be a significant enhancement of the house and the area.

Board Action - The Chairman said that the Application was sufficiently complete, and set a public hearing for the Board's August 4, 2004 meeting, contingent on receipt of outstanding FAR data.

IPB Matter #04-40:

Application of Craig & Jennifer Ruoff for Site Development Plan Approval for property at 4 Oak Street.

Proposal - 2-story addition, including master bedroom and garage, removal of existing garage and a footprint increase. The increase will add a total of about 800 square feet of floor area on a total of two floors and a total of about 8,000 cubic feet.

Representatives - Robert Kahn, architect, and Craig Ruoff

Plans - "Proposed Addition and Alterations for Craig & Jennifer Ruoff, 4 Oak St., Kahn Associates, AIA Architect, June 21, 2004", 1 sheet.

Discussion – It was noted that the correct name of the owner of the parcel must appear on the public notices distributed by the Applicant; such information was not provided on all such notices for this application.

Mr. Marron said that variances are needed for coverage, front yard setback and FAR. The Chairman pointed out that the FAR and other data are not consistent in the plans and application. He asked, too, that the plans show which tree is to come down. The plans also need to be larger, with a smaller scale to facilitate understanding. In addition, the Applicant should show the drip line on trees to assess the impact on the trees, if any, of the new construction.

Mr. Mastromonaco's memorandum of July 7, 2004 requested that the plans show the location of existing water and sewer lines and the drywell.

The Chairman asked for comparative scale data, extending to houses within at least 200 feet of this structure. Mr. Marron noted that the rear yard setback (consisting of the yard opposite Station Road) is adequate.

The ECB's letter of July 7, 2004 asked that the plans show the impact of trees, erosion-control measures and the handling of drainage from the new roof area.

Comments from the Public - The Chairman stated that the Board had received letters from several residents who object to the project. Mr. Brian Burke of 5 Willow Street (adjoining to the west) said he had drawn up a letter to the Board based on his study of the project, stating his opposition to it on the grounds that the houses in the neighborhood are close together and any expansion of the subject would have a negative effect on his property. He said, too, that the plans provided no west elevation, which is necessary in order to show the impact on his property. The proposed work would leave him and his family staring at the back of a garage immediately outside their windows. Ms. Pat Mulvey of 11 Willow Street endorsed Mr. Burke's concerns.

Board Action - The Chairman said that the Application was sufficiently complete, and set a public hearing for the Board's August 4, 2004 meeting, contingent on receipt of outstanding FAR data and other requested modifications.

IPB Matter #04-37:

**Application of Francis Crowley for Site Development
Plan Approval for property at 75 Station Road.**

Proposal - Remove rear addition, remove roof and closure, add new family room and kitchen, add new bedroom to study on second floor, increasing footprint about 1146 square feet of floor area on a total of two floors and a total of about 9100 cubic feet.

Representatives - Francis Crowley, owner

Plans - "Crowley, Proposed Renovations, Leonard Sieverding, Architect, June 20, 2004", 4 sheets.

Discussion - Mr. Marron asked that the FAR calculations be corrected, and that the attic data be properly included. He noted as well that the data sheet and plan calculations do not match. Also, the site plan should show that the patio depicted thereon had been removed. Further, the coverage calculations show no overall increase, an impossibility, given the proposed footprint increase. Also, the sidewalks on the east side must be included in the coverage figures. Drainage should be depicted on the plans, he added.

Mr. Mastromonaco's memorandum of July 7, 2004 noted no concerns. The Chairman asked that the site plan be enlarged, and that scale data be provided, based on houses within at least 200 feet of this structure. The ECB's letter of July 7, 2004 requested a determination of the impact on trees and the need for tree protection and erosion control during construction. In addition, drainage control from the new roof area should be shown.

Comments from the Public - None

Board Action - The Chairman said that the Application was sufficiently complete, and set a public hearing for the Board's August 4, 2004 meeting, contingent on receipt of outstanding FAR data and other requested modifications.

IPB Matter #04-36:

**Application of Barbara Hogan for Site Development
Plan Approval for property at 28-B East Clinton
Avenue.**

Proposal – An application to legalize work completed 20 years ago, including construction of a wood deck, an addition to the original front porch, with a resulting increase in footprint, and for the installation of a powder room in the basement over 30 years ago.

Representatives - John Whalen, Associate of Earl Ferguson, Architect

Plans - "Hogan Residence, 28B East Clinton Avenue, Earl Everett Ferguson, Architect, June 21, 2004", 3 sheets.

Discussion - Mr. Marron said the Applicant needs to clarify how the 15% increase in coverage cited in the application was determined. He noted, however, there is no FAR issue and he had no reason to contest the granting of a waiver.

Comments from the Public - None.

Board Action - The Board determined this matter could be handled as a Type II Action under SEQRA. After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution::

WHEREAS, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development

Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for the Site Development Plan approval for this application, subject to the receipt of the necessary variances from the Zoning Board of Appeals.

IPB Matter #04-39:

**Application of Lundy/Chamberland for Subdivision
and Site Development Plan Approval for Property at 31
East Clinton Avenue**

Proposal - Construction of 2 one-family dwellings on 2 lots once subdivided.

Representative - Richard Blancato, Esq.

Plans - "Site Development Plan for Lundy, Cronin Engineering, P.E., P.C., Revised March 10, 2004", 1 sheet.

Discussion - The Chairman stated that the ZBA had approved variances for a site capacity of one house for each lot (ZBA #2003-27). Mr. Blancato questioned whether subdivision approval by the IPB is necessary, since the ZBA had granted a variance for each lot and there had not been a legal merger of the two lots. He also acknowledged that the lot width for each of the two proposed lots is only 65 feet (where 85 feet is required), so additional variances for these non-compliances and engineering mistakes will be necessary. Further, other variances may be required for front yard setbacks of the houses, if they are closer to the street than is currently contemplated. In addition, a curb-cut will be needed for the driveway of each house, and if the houses are moved forward, there will not be enough space for two driveways.

The Chairman indicated that the subdivision approval process had been undertaken on other lots that had merged, including the Gleason application represented by Mr. Blancato. This would then necessitate separate site development plans for each lot. Mr. Sciarretta said that the Board should consider Final Subdivision Approval with Limited Site Development Plan Approval for each lot, with subsequent Final Site Development Plan Approval for each lot at a subsequent date; this would be consistent with prior Board action. Under this premise, the Chairman said that the Applicant can move forward with a single application at this time.

The Chairman asked that the Applicant submit all materials suggested by Mr. Mastromonaco and other consultants, and if there is to be any diminution of the flood plain, the Applicants should consider what trade-off for that would be provided. The Chairman also cited the ECB's letter of July 7, 2004 that requested a calculation of the impact on the flood plain and a depiction of erosion control measures and effects on trees. He emphasized, too, the need to show in the plans the impact on street parking.

Mr. Mastromonaco, in his memorandum of July 7, 2004 asked for detailed separate site development plans for each parcel, and a restriction easement on filling the yards.

Comments from the Public - Mr. Robert Munigle, whose house is adjacent to the Applicant's western property line said that neighbors had concerns with the project which had been earlier communicated to the ZBA. The Chairman requested that any concerns be communicated directly to the Planning Board.

Board Action - The Board continued this matter, with a request for the additional information and adjustments in the plans cited during the discussion of the Application and details on the impact on the on-street parking.

IPB Matter #04-38:

Application of Fernando & Stella Mateo for Site Development Plan Approval for property at 202 West Clinton Avenue

Proposal - Enclosure of existing front-entry porch and existing open covered porch, one-story addition, walk-in addition to kitchen, expansion of living room and family room, and expansion of open wood deck, with an increased footprint. The proposed additions will increase the footprint of the existing residence and the lot coverage by 326 square feet and will increase the square footage of the existing residence by 553 square feet. The total additional volume of the proposed work will be approximately 4,800 cubic feet.

Representative - Padriac Steinschneider of Gotham Design, Ltd.

Plans - "Proposed Site Plan, Mateo Residence, 202 West Clinton Avenue, Gotham Design Ltd., June 23, 2004", 1 sheet.

Discussion - The Chairman asked whether the swimming pool indicated on previously filed plans was still on the property. Mr. Steinschneider stated that there is no pool. Mr. Marron said that variances will be necessary for site coverage and FAR; that more accurate calculations must be provided for coverage, with a breakdown of the components; as well as for elevation and deck plans.

The Chairman asked for comparative scale data on neighboring houses, vis-à-vis this structure. Mr. Mastromonaco's memorandum of July 7, 2004 asked for data on the locations of existing water and sewer services, as well as other adjustments to the plans, and noted the need for variances. The ECB's letter of July 7, 2004 raised concerns about drainage from the new roof area and tree protection.

Comments from the Public - None.

Board Action - The Board continued this matter and asked the Applicant to address all of its concerns and requests to enable the application to be deemed complete following which the Board would be in a position to set a public hearing.

IPB Matter #04-30

Application of Jeffrey and Katherine Duarte for Site Development Plan Approval for property at 32 Jaffray Court.

Proposal - Construction of a new second story over an existing one-story residence, with no increase in the building's footprint. The increase will add a total of about 971 square feet of floor area on a total of one floor and a total of about 7,768 cubic feet.

Representative - Matthew Behrens, architect

Plans - No new plans were submitted.

Discussion - The Chairman cited the July 2, 2004 letter from the Architectural Review Board stating "It is the view of the Architectural Review Board that the application of the Duartes to build an additional floor to their house at 32 Jaffray Court is the best siting dimensions and configuration so as

to cause the least possible obstruction of the view of the Hudson River for neighboring properties.” signed, Daniel Hargraves for and on behalf of the Members of the Architectural Review Board.

Mr. Behrens stated that the gable line had been changed to help protect the view. The Chairman cited letters that had been submitted from neighbors expressing concern about view obstruction and the aesthetic impact of the proposed renovations. He also asked for comparative FAR data on the neighboring properties, vis-à-vis the Applicants’ proposed expansion, to show house sizes as a percentage of the square footage of their lots. He added that the subject and the two adjoining houses (to the west and the east) should be depicted on a cross section showing the existing elevation of the Applicants’ driveway as the baseline zero elevation. Also, the plan should include the elevation of the two adjacent houses to assist in understanding the impact on view lines from the easterly adjacent house.

Comments from the Public - Mr. Michael Schelp, the neighbor immediately to the east of the Applicants, expressed concern about the view obstruction of the renovations. Other neighbors voiced similar objections, as well as concerns about the “massing” effect of the project.

Board Action - The planned public hearing was deferred as there were still open issues and confusion with the application. The Board continued this matter.

IPB Matter #04-31

Application of Kristen & David Woll for Site Development Plan Approval for property at 58 West Clinton Avenue.

Proposal - Enlargement of an existing breakfast nook and replacement of an existing patio with a covered porch, with an increase in the house’s footprint of approximately 840 cubic feet.

Representatives - Robert Barstow, architect with Sleepy Hollow Designs, and Mr. and Mrs. Woll

Plans - No new plans were submitted.

Discussion - The Board opened a public hearing. The Chairman noted that no variances are required, as indicated by the revised Application Data submitted by the Applicants. Mr. Marron said drainage issues had been resolved. Mr. Mastromonaco, in his memo of July 7, 2004, stated that he had no engineering concerns.

Comments from the Public - None.

Board Action - The Board closed the public hearing and determined this matter could be handled as a Type II Action under SEQRA. Upon motion duly noted and seconded, the Board voted unanimously to approve the application: Site Plan and Proposed Additions by Sleepy Hollow Designs, three sheets (dated May 10, 2004, March 12, and 15, 2004).

IPB Matter #04-13:

Application of Charles M. Pateman/Nicodemus for Final Site Development Plan Approval/Water Bodies & Watercourses Permit and Freshwater Wetlands Permit at 200 Mountain Road.

Proposal - Application is for site development plan approval to allow construction of a single family house on an existing lot. In addition to Final Site Development Plan Approval under Article XIV, the

Board will also be addressing Water Bodies and Watercourses Permit under Article XXIII, and a Freshwater Wetlands Permit under Article XXV.

Representative - Charles Pateman and Chris Pateman of C.M. Pateman & Associates, and Steve Coleman, environmental consultant to Pateman.

Submissions

- Long form EAF
- Proposed construction phasing schedule
- Proposed house plan - "Proposed New Residence at 200 Mountain Road, C&L Pateman Design and Construction Co., Inc., May 3, 2004", 4 sheets.
- Proposed site plan - "Resource Protection and Mitigation Plan for C.M. Pateman & Associates, by Cronin Engineering, P.E., P.C., revised June 16, 2004", 5 sheets.
- Affidavit of mailing and list of affected property owners
- Certificate of licensed professional engineer
- Irvington Planning Board survey affidavit.

Discussion - The Board continued the public hearing on this matter. The Chairman read from a letter dated July 7, 2004, submitted by Tim Miller Associates, the Board's environmental consultant for this application. Among other points, the letter reviewed documentation received from the Army Corps of Engineers with regard to the application.

The Chairman stated that watercourse and wetlands permits are needed, in addition to the Board's consideration of the normal SEQR process. He also asked the Applicants to complete Part II and Appendix B of the standard Environmental Assessment Form. Further, the Board will handle this matter as an Unlisted Action, and the Applicant will complete and distribute, on behalf of the IPB, the Lead Agency Notification forms. Given the dates of the Board's July and August meetings, and the Lead Agency timing requirements, the Board indicated that the earliest it could consider the Lead Agency status would be in September. During the discussion, the Board set its September Regular Meeting for September 1, 2004.

Charles Pateman said his request to the Town of Greenburgh for an out-of-district sewer connection to the Town's line had been prepared and he stated that he is not asking for a modification of that sewer line. Action by the Town of Greenburgh will be necessary prior to the Board's action on the application. The Chairman said there is a need to clarify whether easements are required for the proposed sewer connection and in conjunction with this asked Mr. Sciarretta to review the conservation easement.

Mr. Coleman stated that he believed reviews of the Applicant's proposal by Mr. Mastromonaco, Mr. Miller's firm and others indicated they were all comfortable with the ramifications of this project, including its impact on the environment. Ms. Dooley of the Environmental Conservation Board said more time is needed to evaluate the environmental impact. The ECB had submitted a letter, dated July 7, referring to their Board's earlier comments and adding that consideration should be given to other matters, including the Applicant's proposal that the Village maintain the proposed plunge pond and other aspects of the conservation easement, as well as the possibility of requiring a completion bond covering the restoration of the wetlands area.

Mr. Mastromonaco, in his memorandum of July 7, 2004 said he would complete his review after the Applicant finishes his presentation to the Board on the wetlands impact of the project.

Comments from the Public - Mr. Mark Riley, an attorney, said he represented neighbors of the property, John Elwyn and the Silvestre family. He cited his letter of June 2, 2004 submitted to the

Board and expressed concern about the environmental effects of the project. He asked that a consultant, Paul Jaehnig who had been retained by Mr. Riley, speak to the Board.

Mr. Jaehnig distributed photos and said the Board should determine what, specifically, is the content of the landfill on the property and probe deeply into the ground to do so. He also stated that the footprint of the house is large and may have a deleterious effect on the environment. He advised that the house be downsized and landfill not be added. Further, he said that access for a backhoe might be difficult, and he said more data are needed on various matters, including how materials are to be stockpiled, how much soil is to be removed, the proposed buffer, and how the wetlands are to be maintained.

The Chairman asked Mr. Jaehnig to submit his comments in writing, and said the Applicants should renote for the August and September IPB meetings.

Board Action - The Board set a site walk for Saturday, August 7, at 9:00 am and continued the public hearing.

IPB Matter #03-36

Application of Racwel Contracting & Construction Co., Inc. for Site Development Plan Approval for Lot #15 at Dearman Park

IPB Matter #04-04

Application of Jim & Vesna Rothschild for Site Development Plan Approval for Lot #13 at Dearman Park

INFORMAL DISCUSSION

IPB Matter #94-03

Application of Westwood Development Associates, Inc. Phase 1 (Tract A)

Proposal - Future construction of homes in the Dearman Park subdivision, formerly known as Tract A of Westwood.

Representative - Padriac Steinschneider of Gotham Design, Ltd.

Plans - No new plans submitted.

Discussion - The Board and Mr. Steinschneider continued their discussion about the mechanism to be used to convey the applications to the ZBA for variances, as necessary. Mr. Sciarretta said the main variance issues are coverage, FAR, and height. The Chairman indicated that the Board and the Building Inspector were in the process of developing a new form letter that could be used in instances similar to the present application which would be used to communicate those elements which needed consideration by the Zoning Board of Appeals.

The Chairman noted that many of the lots on the Dearman Park property present issues, so there is a need to determine what the principal common issues are. As a starting point, he asked the Applicant to compile a list of the Code issues for houses on Lots 13 and 15. In addition, the Applicant should clearly show how each house would comply, or not comply, with the Village ordinances in place before the current Code was enacted. This evaluation will help the IPB determine the legal basis for denying applications and referring them to the ZBA.

Comments from the Public - None.

Board Action - The Board continued this matter.

IPB Matter #03-49

Village of Irvington – Westwood Subdivision, Tract C

There was no discussion of this matter.

The meeting was adjourned at 11:10 pm.

Respectfully submitted,

Walter Montgomery
Secretary